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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,949	06/23/2003	Stephen J. Blauer	blaum40520	7879
21587	7590	01/19/2006	EXAMINER	
ALTMAN & MARTIN 6 BEACON ST, STE 600 BOSTON, MA 02108			HOEY, ALISSA L	
			ART UNIT	PAPER NUMBER
			3765	
DATE MAILED: 01/19/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

TW

Office Action Summary	Application No. 10/601,949	Applicant(s) BLAUER ET AL	
	Examiner Alissa L. Hoey	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-26 is/are allowed.
- 6) ☒ Claim(s) 27 and 28 is/are rejected.
- 7) ☒ Claim(s) 29 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This is in response to amendment received on 10/31/05. Claims 1-21 have been cancelled and claims 22-30 have been newly added.

Claim Objections

2. Claim 29 is objected to because of the following informalities: in paragraph (o) should "facng" read "facing"? Appropriate correction is required.
3. Claim 30 is objected to because of the following informalities: in paragraph (o) should "facng" read "facing"? Appropriate correction is required.

Specification

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: claims 29 and 30 require in paragraph (e) that the layers are laminated together by a fluoroethylene polymer, but there is no support in the specification for this.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grilliot (US 2004/0143883) in view of Kocinee (US 2003/0044563).

In regard to claims 27 and 28 Grilliot teaches a coat (10) that is capable of being worn in the rain as a raincoat and that reversibly provides a wearer a dress mode and a protective mode (figures 1 and 3). The dress mode presenting a dress facing exterior and a protective facing interior (figure 3). The protective mode presenting a protective facing exterior and a dress facing interior (figure 1). The coat comprising a plurality of panels fabrication from a clothing material that includes the dress facing and the protective facing and an interstice there between (figures 2 and 4). The interstice (50) consisting essentially of a vapor permeable membrane (paragraph 0009). Both the dress facing and the work facing are provided with a water repellent polymer (paragraph 0008). Further, Grilliot teaches that the protective facing can be fluorescent (paragraph 0004).

However, Grilliot fails to teach the panels having cooperatively joined edges to form a bodice and the bodice including a pair of the panels that span the anterior of the wear and a back panel that spans the posterior of the wearer. The panels having reversely joined edges to form a pair of sleeves. The first pair of stitched seams about the underarms and shoulders of the coat joining the sleeves to the front panels and the back panel. The second pair of stitched seams along the reversely joined edges of the sleeves and extending from the underarms to the cuffs of the sleeves. The third pair of stitched seams along the cooperatively joined edges of the bodice. A tape extending along and sealed to the protective facing across the stitched seams. The tape and the

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protective facing having surfaces of the same visual appearance. The tape and the protective facing being fluorescent. The water repellant polymer being fluroethylene. The first fabric being a weave and the second fabric being a knit.

It would have been obvious for the jacket of Grilliot to be constructed as is common in the apparel arts. Firefighters jackets in the apparel arts are known to have front and back panels with sleeve portions that are stitched together along the side seams; shoulder portions and along the sleeves from the underarm to the user's wrist. It is further obvious that the seams of Grilliot are formed by reversely folding the panels towards the inside of the jacket and stitched together as is well known in the construction of jackets and as shown in Grilliot (US Re. 35,436).

Kocinee et al. teaches a tape (26) extending along and sealed to the protective facing across the stitched seams (30). The tape and the protective facing having surfaces of the same visual appearance (paragraph 0006) and is used for sealing firefighter jacket seams (paragraph 0021).

It would have been obvious that the tape of Kocinee extending along the fluorescent side of the jacket of Grilliot would be fluorescent to match the garment, since Kocinee teaches that the tape can have the same visual appearance as the garment it is placed upon.

With respect to the water repellent polymer being fluroethylene, it would have been obvious to one having ordinary skill in the art to have provided the water repellent material being any that would create water repellency to the garment. The polymer

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being fluoroethylene or some other water repellent polymer would create an equivalent structure since water would be prevented from soaking through the coat.

With respect to the first fabric being a weave and the second fabric being a knit, it would have been obvious to have provided the first fabric and the second fabric in any construction as long as the first and second fabric are water repellent and provide a dress facing on one side and a protective facing on an opposing side. Further, it would have been obvious to have the first fabric being dark, since depending upon where the first fabric was viewed and the light provided would be capable of providing a dark look.

It would have been obvious to have provided the jacket of Grilliot with the waterproof sealing tape of Kocinee, since the firefighting jacket of Grilliot provided with waterproof sealing tape would provide for greater water fastness of the jacket so that no water would leak through to the interior side of the garment protecting the wearer.

Allowable Subject Matter

7. Claims 22-26 are allowed.
8. Claims 29 and 20 are objected to as detailed above, but allowable over prior art.

Response to Arguments

9. Applicant's arguments filed 10/31/05 have been fully considered but they are not persuasive.

I) Applicant argues that Grilliot and Kocinee do not disclose a motivation to create the reversible rainjacket. The examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary

references. In re Nomiya, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. In re McLaughlin, 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one versed in the art, rather than their specific disclosures. In re Bozek, 163 USPQ 545 (CCPA 1969). In this case, it is the examiner's position that one having ordinary skill in the art would have found it obvious to combine the reversible firefighters jacket of Grilliot with the waterproof seam sealing tape of Kocinec, since such a combination would provide for greater water fastness of the jacket so that no water would leak through to the interior side of the garment protecting the wearer from the elements.

Conclusion

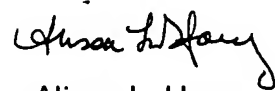
10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa L. Hoey whose telephone number is (571) 272-4985. The examiner can normally be reached on M-F (8:00-5:30) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alissa L. Hoey
Primary Examiner
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